

Amendment and Reply to Office Action
Application No. 09/658,699
Attorney's Docket No. DX01042X
(033347-009)
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REMARKS

It is respectfully requested that this application be reconsidered in view of the above amendments as well as the following remarks and that all of the claims remaining be allowed.

Claims Amendments:

Claims 59-62 have been canceled without prejudice or disclaimer in accordance with the restriction requirement. Applicants specifically reserve the right to file one or more divisional applications to pursue the canceled subject matter.

Claims 51 and 55 have been amended to recite "but not IL-B30 alone or p40 alone", for which support can be found, for example, at page 5, lines 15-20 and page 41, lines 22-24.

No new matter has been introduced by these amendments. Applicants respectfully request that these amendments be entered.

Applicants wish to point out that the amendments presented herein are made merely in accordance with the restriction requirement or to expedite allowance of the claims, rather than on the ground of unpatentability.

Rejection Under 35 U.S.C. §112, First Paragraph:

Claims 51-58 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention. Specifically, the Office Action states that the recitation "wherein said antibody exhibits less than 10% crossreactivity with any epitope presented by either IL-B30

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alone or p40 alone" is allegedly new matter. This rejection is now moot since the recitation at issue has been deleted.

Accordingly, Applicants respectfully request withdrawal of this rejection.

Notwithstanding the above, Applicants wish to point out that the present disclosure in fact provides adequate support for the rejected claim under 35 U.S.C. §112, first paragraph, and the amendment was not made out of concern of patentability. Nevertheless, the claim was amended to expedite prosecution of the present application.

Conclusions:

For the reasons set forth above, Applicants submit that the claims of this application are patentable. Reconsideration and withdrawal of the Examiner's rejections are hereby requested. Allowance of the claims of this application at an early date is earnestly solicited.

In the event that a telephone conversation could expedite the prosecution of this application, the Examiner is invited to call the undersigned at (650) 622-2340.

Respectfully submitted,

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